

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-12 were pending in this application when last examined and stand rejected.

Claims 1-3 and 5-10 have been amended to make minor editorial revisions thereto to better conform to U.S. claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection. The revisions include: replacing the "characterized by" language with "wherein"; revising the claims to use proper antecedent basis throughout; rewording parenthetical terms as positive recitations; and revising the claims to use the appropriate punctuation and grammar throughout.

Claim 5 has also been revised to depend on claim 1. Claim 8 has been revised to depend on claim 7.

No new matter has been added by the above claim amendments.

The specification has been amended at page 1 to include the appropriate continuation data to conform to U.S. practice.

The specification has also been amended to replace the term "Fig. 1" with "Figure" as suggested by the Office.

Applicants note that the above claim amendments are intended to address matters of form only as they are not intended to affect the scope of the claims. Accordingly, if the next Office

Action on the merits include a new ground of rejection of one or more claims, the Action must be non-final.

Applicants are submitting the present amendment without prejudice the subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this response (although none is believed to be), and explicitly reserve the right to pursue some or all of such subject matter, in divisional or continuation applications.

Applicants thank the Examiner for the careful examination of this case and respectfully request reconsideration of the case, as amended. Below Applicants address the rejections in the Office Action and explain why the rejections are not applicable to the pending claims as amended.

II. FOREIGN PRIORITY CLAIM

On page 2 of the Office Action, it was indicated that Applicant cannot rely upon the foreign priority papers, because a translation of said papers has not been made of record in the USPTO. In reply thereto, attached herewith is a verified English translation of Japanese Application No. 2003-300646 (i.e., Applicants' foreign priority reference). Accordingly, Applicants have perfected their foreign priority claim.

III. OBJECTION TO THE SPECIFICATION

The specification was objected to for the minor informality of reciting "Fig. 1", instead of "Figure." See page 2 of the Office Action.

In reply thereto, the specification has been amended along the lines suggested by the Examiner to overcome this objection. Therefore, the objection is untenable and should be withdrawn.

IV. CLAIM OBJECTIONS

Claim 5 was objected to as being of improper dependent form for failing to further limit the subject matter of previous claim 4 for the reasons set forth on page 2 of the Office Action.

The present amendment overcomes this objection by amending claim 5 to depend on claim 1. Therefore, the objection is untenable and should be withdrawn.

V. PRIOR ART REJECTIONS

Claims 1-3 and 10 were rejected under 35 USC 102(a) as being anticipated by SATONAGA et al. for the reasons set forth on page 3 of the Office Action.

Claims 4-9 and 11-12 were rejected under 35 USC 103(a) as being obvious over SATONAGA et al. in view of HERTEL et al. for the reasons set forth on pages 3-4 of the Office Action.

It is noted that the SATONAGA et al. reference is an article by Applicants and seems to have a publication date of November 4,

2003. By contrast, however, the present application is entitled to the priority of Japanese Application No. 2003-300646 of August 25, 2003, which is prior to the publication date of the article. Entitlement to the Japanese priority date is perfected by the attached verified English translation of Japanese Application No. 2003-300646. Accordingly, Applicants' earlier publication has thus been removed as a reference, thereby obviating these prior art rejections. For these reasons, the above-noted anticipation and obviousness rejections are untenable and should be withdrawn.

VI. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- verified English translation of Japanese Application No.

2003-300646 filed August 25, 2003